

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

* * *

JERRY D. POUGH,

Case No. 3:23-cv-00425-MMD-CLB

Petitioner,

ORDER

v.

WILLIAM GITTERE, *et al.*,

Respondents.

On August 28, 2023, *pro se* Petitioner Jerry D. Pough filed a complaint for declaratory and injunctive relief, incomplete motion for leave to proceed *in forma pauperis* (“IFP”), motion to extend prison copy work limit, motion for court records and transcripts, motion to transport, and motion in support of an expedited preliminary injunction. (ECF Nos. 1-1, 1-3, 1-4, 1-5, 1-6.) On August 31, 2023, this Court instructed Pough to (1) either pay the \$5 filing fee or submit his missing IFP application documents and (2) file an amended petition on the Court’s form. (ECF No. 3.) On October 4, 2023, Pough filed a motion for free electronic copy of all documents, motion for expedited pretrial conference, and an amended IFP application. (ECF Nos. 4, 5, 6.) The Court granted Pough’s amended IFP application. (ECF No. 7.) Pough did not file an amended petition as ordered, but because Pough attempted to comply with the Court’s previous order, on October 31, 2023, this Court gave Pough one more chance to comply.¹ (*Id.*)

Pough’s extended deadline for filing an amended petition expired on November 30, 2023. (*Id.*) To date, Pough has not filed an amended petition or requested an extension of time to do so. Rather, Pough has filed the following motions: motion for order

¹Notably, Pough appealed this October 31, 2023 order. (ECF No. 8.) The Ninth Circuit Court of Appeals dismissed this appeal on December 15, 2023. (ECF No. 17.) Therefore, this Court has reclaimed jurisdiction over this matter.

1 to show cause, motion for order to extend copy work, motion for order to transport
 2 prisoner, and motion for production of USPS mail receipt and sanctions. (ECF Nos. 12,
 3 14, 15, 16.) Pough's motions are denied as moot given that he has failed to properly
 4 commence this federal habeas action. If Pough wishes to seek relief in this Court, he
 5 must file a new action, with a new case number, on the correct court-required form
 6 accompanied by the filing fee or a new fully completed IFP application.

7 It is therefore ordered that this action is dismissed without prejudice based on
 8 Petitioner Jerry D. Pough's failure to comply with the Court's orders (ECF Nos. 3, 7). A
 9 certificate of appealability is denied, as jurists of reason would not find dismissal of this
 10 action for the reasons stated herein to be debatable or wrong.

11 It is further ordered that Pough's motion to extend copy work limit (ECF No. 1-3),
 12 motion for court records and transcripts (ECF No. 1-4), motion to transport (ECF No. 1-
 13 5), motion in support of an expedited preliminary injunction (ECF No. 1-6), motion for free
 14 electronic copy of all documents (ECF No. 4), motion for expedited pretrial conference
 15 (ECF No. 5), motion for order to show cause (ECF No. 12), motion for order to extend
 16 copy work (ECF No. 14), motion for order to transport prisoner (ECF No. 15), and motion
 17 for production of USPS mail receipt and sanctions (ECF No. 16) are denied as moot.

18 The Clerk of Court is further directed to (1) file the complaint (ECF No. 1-1), (2)
 19 add Nevada Attorney General Aaron D. Ford as counsel for Respondents,² (3) informally
 20 serve the Nevada Attorney General with this order and all previous filings in this matter
 21 by sending notices of electronic filing, (4) enter final judgment accordingly, and (5) close
 22 this case.

23 DATED THIS 18th Day of December 2023.

24
 25 

26 MIRANDA M. DU
 CHIEF UNITED STATES DISTRICT JUDGE

27 ²No response is required from Respondents other than to respond to any orders
 28 of a reviewing court.